

Application No.: 10/554,075
Filing Date: September 6, 2006

REMARKS

By way of summary, Claims 1-8 and 11-21 are pending prior to entry of this amendment. By this paper, Claims 1-21 are amended. Thus, Claims 1-8 and 11-21 are presently pending and presented for consideration. Non-elected Claim 9 and 10 were previously withdrawn from consideration; however rejoinder of these claims is requested upon allowance of Claim 1.

Comments on Amendments to Specification

The specification at page 25, lines 4-10 have been amended to replace “tempering” with “quenching,” as discussed in the Declaration filed herewith at paragraph 20.

Comments on Declaration

Filed herewith is a Declaration of Alfonso Izquierdo Garcia, who is an inventor of the present application. The Declaration is being submitted to show that the process parameters of Japanese Patent 09-235617 (Kondo) would not be expected to result in the steel microstructure recited in Claim 1. In particular, the Declaration states the differences between reheating quenching (RQ) as performed in the examples of the present application and the direct quenching (DQ) of Kondo. For example, DQ would not be expected to result “a microstructure formed by re-heating to austenitic temperature followed by water quenching and a tempering treatment that results in a microstructure having austenite grains with an average size from ASTM 10 to 20 microns,” as recited by Claim 1. Therefore, the process parameters of Kondo would not be expected to result in the steel microstructure recited in Claim 1, and Applicants respectfully request that the rejection of Claim 1 be withdrawn and pass this claim to allowance.

Dependent Claims

Claims 2-8 and 11-21 depend from Claim 1 and, therefore, include each of the features of Claim 1. Claims 2-8 and 11-21 are believed to be allowable over the cited art for at least the reasons discussed above, and also because of the unique combination of features recited therein.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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